



Town of Lexington

Police Department

Subject: Motor Vehicle Crash
Investigations

Reference: 61.2.1(a-f); 61.2.2(a-h); 61.2.3(f); 61.2.4

Effective Date:
January 1, 2012

Review Date:
Annually

By Order of: Mark J. Corr, Chief of Police

**Policy &
Procedure**

62A

The Municipal Police Institute, Inc. (MPI) is a private, nonprofit charitable affiliate of the Massachusetts Chiefs of Police Association. MPI provides training and model policies and procedures for police agencies. This policy is an edited version of MPI Policy 5.02 "Traffic Collisions."

GENERAL CONSIDERATIONS AND GUIDELINES

The police function in relation to traffic collisions is varied. Aid to the injured, traffic control, investigation, enforcement, and collision prevention are some of the areas upon which the police will have an impact. An adequate response, knowledgeable performance and preventive efforts can go a long way in minimizing increased damage to property and bodily injury. Police responsibility will continue until the injured have been cared for, the collision vehicles have been removed, the roadway is clear of debris, and the traffic flow is normalized.

The objective of a hit and run investigation is to determine responsibility for the collision and to identify both the offender and the vehicle involved. This is often a difficult task because the very elements of the crime include flight from the scene. Hit and run collisions may involve property, persons or both. As the circumstances are more serious when a human life is involved, these procedures are primarily directed at hit and run investigations involving persons.

It is the policy of The Lexington Police Department to respond to and investigate all traffic collisions requiring police response, and to render assistance to the extent possible with other crashes (such as information swaps, contacting road service).

PROCEDURES

- A. Motor Vehicle Crash Response, Investigation and Reporting
1. All reported motor vehicle crashes should typically have two officers dispatched to assess what is needed and provide scene safety.
 - a. Many crashes are reported with only partial information because callers are passing by the incident and cannot fully determine injuries or hazards.
 - b. If it is determined and confirmed that the crash is minor and all that is needed is an officer to swap information, the response may be changed from two officers to one officer.
 2. Crashes Requiring More Than Basic Police Assistance: Officers should respond to traffic collisions involving any of the following circumstances:
 - a. Crashes resulting in death or personal injury; [61.2.2(a)]
 - b. Hit and run crashes; [61.2.2(b)]
 - c. Impairment of an operator due to alcohol or drugs; [61.2.2(c)]
 - d. Damage to public/government vehicles or property; [61.2.2(d)]
 - e. Crashes involving hazardous materials (HAZMAT); [61.2.2(e)]
 - f. Disturbances between involved persons; [61.2.2(f)]
 - g. Major traffic congestion because of the crash; and [61.2.2(g)]
 - h. Damage to any vehicle that requires it to be towed. [61.2.2(h)]
 3. Crashes Requiring Police Report and Investigation: The following types of crashes, whether occurring on public or private property, shall require police investigation and report: [61.2.1(f)]
 - a. All those involving death or personal injury; [61.2.1(a)]
 - b. All property damage crashes with estimated damage in excess of one thousand dollars;ⁱ [61.2.1(b)]
 - c. All hit and run crashes which involve personal injury, and those hit and run property damage crashes; [61.2.1(c)]
 - d. Those involving operator impairment due to alcohol or drugs; [61.2.1(d)]
 - e. Those involving any vehicle carrying hazardous materials (HAZMAT); [61.2.1(e)]
 - f. Those which appear to have been caused by a moving violation on the part of one or more of the operators, by defective equipment on or in a vehicle, or by any other circumstances which impeded the safe operation of a vehicle;
 - g. Crashes that appear to have been caused by the incompetence of an operator. (See also Department policy **61 - Traffic Safety**); and [61.1.2]

- h. A crash occurring under the above conditions on private property (unless involving just minor property damage and not a hit and run situation). [61.2.1(f)]

B. Duties of First Officers on the Scene

1. Upon Arrival:

- a. The first officer arriving shall be in charge until relieved by a supervisor and: [61.2.3(a)]
 - i. If necessary, request assistance of other patrol units, emergency medical personnel, and/or the fire department;
 - ii. Identify injured persons, determine the extent of injuries, if any, and treat the most serious until assistance of equal or greater medical ability arrives; [61.2.3(b)]
 - iii. Address scene safety issues;
 - iv. Secure the scene as a crime scene, and preserve and protect evidence if necessary; [61.2.3(e)]
 - v. Identify hazardous materials or fire hazards; [61.2.3(c)] and
 - vi. In the event of hazardous material incidents, isolate the hazard area and evacuate nonessential personnel.
- b. The officers shall then be responsible for preliminary hazard identification (spill, leak, fire) and identification of vehicle and container placards, until the arrival of the fire department.
- c. The officers should collect operators' licenses, passenger identifications, vehicle registrations, and witness identifications, as appropriate [61.2.3(d)], and arrange for the removal of damaged vehicles from the roadway, where they will not impede or interfere with the investigation. (See also Department policy **61C - Towing Motor Vehicles and Inventory Procedures**).

- 2. Property: When officers are required to handle crash victims' personal property (such as for identification purposes), they should do so, whenever possible, in the presence of witnesses, who should be identified in the officers' reports. If property is to be held, it shall be turned into the property officer and documented in accordance with Department policy **83B - Property and Evidence Control**. [61.2.3(f)]

C. Preliminary Investigations

1. Duties of the Investigating Officer

- a. The officer assigned to the geographical sector in which it occurs will typically investigate the crash.
- b. The assigned investigating officer shall conduct a thorough investigation of the crash and take the following actions:

- i. Identify and interview operators and passengers. Check validity of their right to operate, vehicle registration, and insurance status.
- ii. Interview involved persons and witnesses.
- iii. Examine and record vehicle damage.
- iv. Examine and record effects of collision on the roadway, median barriers, utility poles and other infrastructure.
- v. Take measurements, as appropriate.
- vi. Take photographs, as appropriate.
- vii. Collect and preserve evidence.
- viii. Collect and record operator and vehicle information for report and exchange among principals.
- ix. Complete the police officer's Registry of Motor Vehicles Crash Report form.
- x. In cases where the ambulance service has transported an injured person to the hospital, an officer may respond to local hospitals when a statement is needed from an injured party.

2. Duties of the Patrol Supervisor

- a. In all cases of serious crashes a Patrol Supervisor should be assigned to work with and assist the reporting patrol officer. A serious crash is a crash that results in death or injuries serious enough that death may be a likely result.
 - i. If staffing on the shift in which the crash occurs includes a Patrol Supervisor, this patrol supervisor will work with the patrol officer that is assigned the crash.
 - ii. If there is no Patrol Supervisor working the shift, the Commanding officer will attempt to call in a Sergeant as soon as possible to assist and join the investigation.
 - iii. If a Sergeant cannot be reached in a timely manner, one will be assigned the next day to work with the investigating patrol officer.
- b. The Patrol Supervisor and Commanding Officer shall:
 - i. Coordinate the response of other public safety service providers;
 - ii. Request additional resources as necessary;
 - iii. Coordinate the re-routing of traffic if necessary;
 - iv. Supervise the treatment of injured until medical personnel arrive;
 - v. Supervise the investigation, working closely with the assigned patrol officer during every step of the investigation; and
 - iv. Contact the Middlesex District Attorney's Office to notify of fatalities or serious injuries.

3. Crash Reconstruction

- a. When appropriate, the Commanding Officer shall request an officer trained in Crash Reconstruction. The Massachusetts State Police Collision Analysis & Reconstruction Section (C.A.R.S) will be used for any fatal or potentially fatal crashes. If not available, or a reconstruction is needed for other purposes, a crash reconstruction request may go to other regional communities.
- b. An officer trained in Crash Reconstruction shall always be called in all cases involving:
 - i. Fatalities; and
 - ii. Serious personal injury, which is likely to result in death.
- c. Reconstruction officers may be called in:
 - i. For cases where, in the opinion of the officers on scene, and with the approval of a supervisor, the expertise of the an officer trained in Crash Reconstruction is necessary; or
 - ii. When requested by a supervisor.

D. Follow-Up Investigations [61.2.4]

1. Follow Up Services

- a. The Department shall perform follow-up traffic crash investigation services in support of on-going or anticipated criminal prosecution whenever necessary. The discretionary authority of a supervisor or prosecutor generally activates the use of this type of investigation.
- b. When warranted, this follow-up information should include, but not be limited to:
 - i. Collecting off-scene data;
 - ii. Obtaining/recording formal statements from witnesses and suspects;
 - iii. Reconstructing collision;
 - iv. Preparing formal reports to support criminal charges arising from the collision; and
 - v. Obtaining the completed Crash Report from the Massachusetts State Police Collision Analysis & Reconstruction Section (C.A.R.S) team at the conclusion of their investigation.

2. Expert and Technical Services

- a. Collision Reconstruction Services: Trained personnel may be able to determine:

- i. The likely speed of a vehicle from skid marks and vehicle crush damage;
 - ii. Positions of vehicles and pedestrians;
 - iii. Which occupant was operating or where occupants were seated;
 - iv. The contribution of roadway conditions and design, operation, and vehicle conditions to the collision;
 - v. Energy losses and momentum exchanges in stopping vehicles; and
 - vi. The movements of vehicles and bodies in collisions.
- b. Air Bag Control Module: Trained personnel may be able to determine:
- i. Which passenger safety devices were used prior to the collision;
 - ii. Which passenger protection devices were deployed during the collision;
 - iii. The change in velocity of the vehicle prior to and shortly after impact; and
 - iv. The use of brakes.
- Note: A search warrant may be necessary to search the Airbag Control Module. See also Department policy **41M - Search and Seizure**.
- c. Experts: From time to time, follow-up crash investigations may require special skills and technical assistance beyond that available from department personnel. When necessary, the department shall utilize outside expert and technical assistance (i.e., photographers, surveyors, mechanics, physicians, and collision section specialists). A supervisor shall make the decision of when to call in an outside crime scene specialist.

E. Investigations of Hit and Run Crashes

- 1. The elements of hit and run:ⁱⁱ the defendant goes away having operated a motor vehicle upon any way or in any place to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, after knowingly colliding with or otherwise causing injury to any person, or injury to any other vehicle or property without stopping and making known his/her name and residence and the registration number of his/her motor vehicle.
- 2. On-Scene Duties
 - a. Officers shall first make provisions for the medical treatment of the victim, if necessary. Investigating officers should follow-up on the condition of victims after they are transported to a hospital if there is

- any possibility that the victim could die of his/her injuries, thus making a charge of motor vehicle homicide possible.
- b. Officers shall obtain the best possible description of the operator and his/her vehicle from the victim and available witnesses. The following information about the vehicle is important:
 - i. Make;
 - ii. Model;
 - iii. Year;
 - iv. Color;
 - v. Extent and location of damage;
 - vi. License plates (including partial numbers or letters);
 - vii. Unusual markings or equipment (including school, fraternal or organizational signs or stickers, roof racks);
 - viii. Direction of travel before and after the collision; and
 - ix. Number of passengers, if any, and their descriptions.
 - c. Descriptive information obtained shall immediately be communicated to the dispatcher.
 - d. Officers shall search the area around the scene of the crash, the automobile or other property which was struck, and the clothing of any victim for physical evidence, including:
 - i. Personal property left behind by the offender;
 - ii. Glass fragments or paint chips;
NOTE: In the event a pedestrian is struck and injured, officers should meet the ambulance at the hospital, if possible, to secure any such evidence that may have been dislodged from the victim's clothing during transport. Also, hospital personnel should be requested to give the victim's clothing and any associated paint chips or glass fragments to police.
 - iii. Pieces of chrome or grill work;
 - iv. Hub caps;
 - v. Tire marks;
 - vi. Oil, gas or water marks leading away from the scene;
 - vii. Mud or dirt dislodged on impact; and
 - viii. Video from any likely security cameras.
 - e. Photographs and measurements shall be taken at the scene when required.
 - f. Officers shall examine the person and clothing of the victim. Particularly important are traces of paint or parts of the vehicle. If necessary, an officer may take and preserve articles of clothing or other samples of evidence, such as hair, blood, etc. Outer clothing should be examined for indentations left by impact points of the suspect auto, as these may serve to identify the vehicle. If such

indentations exist, the clothing should be carefully preserved to prevent their obliteration. See also: **41M - Search and Seizure** and **83B - Property and Evidence Control** policies.

- g. Officers should be observant for persons foreign to the scene or persons behaving in a suspicious manner.
- h. Where appropriate, officers should conduct a door-to-door canvas of residences and businesses in the vicinity of the hit and run scene. Often, persons who did witness some aspect of the incident are reluctant to come forward and must be sought out by the police.
- i. A preliminary search for the suspect car and driver shall be conducted as soon as possible.
- j. Neighboring police departments and the State Police should be notified and given as complete a description as is then available.
- k. The media may be contacted to alert and enlist the aid of the public in locating the suspect vehicle and driver. The Public Information Officer should be contacted to help facilitate this. The Commanding Officer should oversee any release of information if this is not possible.
- l. The investigating officer shall prepare a report in accordance with Department procedures.

3. Follow-Up Investigations

- a. In-depth or follow-up investigations shall be conducted upon the direction of the Chief, his designee, or a supervisor.
- b. The follow-up investigation, if any, may include the following types of activity:
 - i. Checks of records on stolen cars;
 - ii. Communication of information relative to the description of the offender and vehicle to other members of the department, to police departments in surrounding communities and to the State Police;
 - iii. A second search of the crash scene covering a wider area;
 - iv. Repeated visits to and surveillance of the scene at the same time of the day that the collision occurred;
 - v. Canvassing of local businesses for video of the collision or traffic leading to or from the scene; and
 - vi. Visits to garages, auto parts dealers, auto glass dealers, car dealers, auto body repair shops, car wash facilities, etc.
- c. If the vehicle involved is located, it shall be carefully examined.
 - i. Measure dents and body damage as to width, depth and pattern, taking photographs, if possible.

- ii. Obtain samples of paint chips, broken glass, pieces of clothing, dirt, evidence of blood, hair, flesh, etc.
- iii. Inspect the interior for personal articles which may identify the offender.
- iv. Observe and note any signs of recent repair or any broken or missing parts.

NOTE: The above steps must be taken in accordance with the Department policy **41M - Search and Seizure**. In the event a search warrant is sought, the vehicle should be kept under surveillance until a warrant is obtained. The identity of any person attempting to enter the vehicle or to destroy evidence should be established.

- d. If the operator of the suspect vehicle is located, [s]he should be questioned promptly. If applicable, the Miranda procedures must be followed (See also Department policy **41K - Interrogating Detainees and Arrestees**.) Prompt interrogation of the suspect driver is important. For example, if [s]he cannot provide an alibi, or if [s]he provides an alibi that is later discredited, these will be critical factors contributing to a successful prosecution.
- e. In conducting a hit and run investigation, it should be noted that a hit and run driver is not necessarily the operator responsible for the collision, but [s]he may be fleeing from the scene of a crime. There may be a warrant for his/her arrest; [s]he may be intoxicated; [s]he may not have a valid license; or his/her license may be suspended or revoked. It is also not unusual for a hit and run driver to abandon his/her vehicle as soon as possible and then report it to the police as stolen in order to escape responsibility for the collision.
- f. A full and complete report shall be made of the collision and the particulars of any follow-up investigation, in accordance with departmental procedures.

F. Crash Reporting: Data and Crash Form Use

1. Crash Data

- a. This data provides information to officers, which will allow them to utilize enforcement procedures for the purpose of reducing crashes within the community.
- b. The analyzed information should be based on crash data by:
 - i. Location;
 - ii. Time and violation factors;
 - iii. Fluctuations caused by seasonal variations that result in increases or decreases in traffic volume; and
 - iv. Injuries.

2. Crash Investigation Form

- a. Whenever an officer investigates a crash in which there is personal injury and/or property damage in excess of one thousand dollars to any one vehicle, or any other property damage in excess of one thousand dollars, the officer shall be required to complete a Commonwealth of Massachusetts Police Report of Motor Vehicle Crash Form.
- b. When an officer is in doubt as to the extent of property damage or the possibility of injury, the Commonwealth form shall also be used. If a crash is minor in nature and no further information will be needed at a later date, officers may so advise the dispatcher, in lieu of a written report, and ask that the information be entered as a journal note with all available information.
- c. Supplemental Report Form: A supplemental police report should be attached when appropriate; such as when a citation is issued which the officer feels is necessary to further explain actions taken.

G. Crash Data Management

1. A case/incident number will be assigned to all crashes reported to the Lexington Police that an officer gets dispatched to. At a minimum, a log note associated with that case/incident number shall include the following:
 - a. All registration plate numbers and states of issue (i.e. Massachusetts);
 - b. Operator's last names;
 - c. If the operator(s) have been cited;
 - d. If vehicle(s) were towed; and
 - e. If there were any injuries as a result of the crash and if those injured were transported to an area hospital.
2. The Department Account Clerk shall enter specific data generated from Motor Vehicle Crash Reports that are generated by:
 - a. Officer's completed version of the Motor Vehicle Crash Report;
 - b. An operator's completed version of a Motor Vehicle Crash Report in which an officer was not required to complete a report, assisted in an exchange, or there was no police involvement, yet the crash still occurred in Lexington and is being reported by an operator of a vehicle involved.
3. The data the Department Account Clerk will enter into the in-house computer system will consist of:

- a. Date;
 - b. Time;
 - c. Number of Vehicles involved;
 - d. Number of fatalities or injuries;
 - e. Property damage (and owner of damaged property);
 - f. Day of the week it occurred on;
 - g. Conditions at the time of the crash;
 - h. Residence of the operator(s); and
 - i. If fault of crash was determined.
4. Data entered into the in-house system may be accessed at anytime to help determine problem areas, areas that may need added enforcement, areas that may need re-engineering, as well as overall totals.

ⁱ M.G.L. c. 90 s. 26

ⁱⁱ M.G.L. c. 90, s. 24(2)(a)